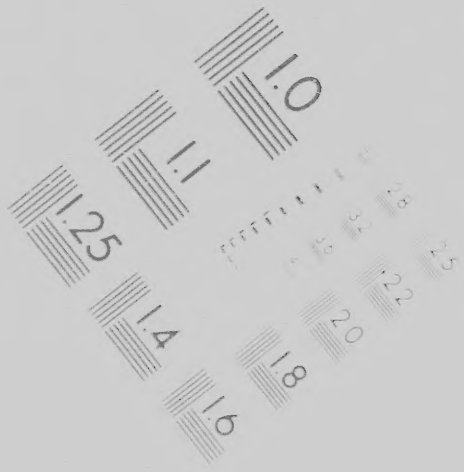
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CARTEL *for the Exchange of* PRISONERS *of W*
and the UNITED STATES *of*

THE provisional agreement for the exchange of naval prisoners of war, made and concluded at Halifax, in the province of Nova Scotia, on the 28th day of November, 1812—between the Honorable RICHARD JOHN UNIACKE, His Britannic Majesty's Attorney and Advocate General for the province of Nova Scotia, and WILLIAM MILLER, Esq. Lieutenant in the Royal Navy, and Agent for Prisoners of War at Halifax, and JOHN MITCHELL, Esq. late Consul of the United States at St. Jago de Cuba, American agent for prisoners of war at Halifax, having been transmitted to the Department of State of the United States for approval, and JOHN MASON, Esq. Commissary General for prisoners for the UNITED STATES, having been duly authorised to meet THOMAS BARCLAY, Esq. his Britannic Majesty's agent for Prisoners of war, and for carrying on an exchange of prisoners, for the purpose of considering and revising the said provisional agreement: and the articles of the said agreement having been by them considered and discussed, it has been agreed by the said THOMAS BARCLAY and JOHN MASON, subject to the ratification of both their governments, that the said provisional agreement shall be so altered and revised as to stand expressed in the following words:

Article 1st. The Prisoners taken at sea, or on land, on both sides, shall be treated with humanity, conformable to the usage and practice of the most civilized nations during war: and such prisoners shall without delay, and as speedily as circumstances will admit, be exchanged on the following terms and conditions, *That is to say*: An Admiral or a General commanding in chief shall be exchanged for officers of equal rank, or for sixty men each: a vice Admiral, or a Lieutenant General, for officers of equal rank, or for forty men each; a Rear admiral, or a Major General, for officers of equal rank, or for thirty men each: a Commodore with a broad pendant, and a captain under him, or a Brigadier General, for officers of equal rank, or for twenty men each; a captain of a line of battle ship, or a Colonel, for officers of equal rank, or for fifteen men each; a captain of a frigate, or Lieutenant Colonel, for officers of equal rank, or for ten men each: Commanders of sloops of war, bomb ketches, fire ships and packets, or a Major, for officers of equal rank, or for eight men each: Lieutenants or masters in the navy, or captains in the army, for officers of equal rank, or for six men each; masters mate, or lieutenants in the army, for officers of equal rank, or for four men each: midshipmen, warrant officers, masters of merchant vessels, and captains of private armed vessels or sub-lieutenants and ensigns, for officers of equal rank, or for three men each: lieutenants and mates of private armed vessels, masters of merchant vessels, and all petty officers of ships of war, or all non-commissioned officers of the army, for officers of equal rank, or for two men each; seamen and private soldiers one for the other.

Second.—All non-combatants, that is to say, surgeons and surgeons mates, pursers, secretaries, chaplains and schoolmasters, belonging to the army or men of war: surgeons and surgeon's mates of merchant vessels, or privateers, passengers, and all other men who are not engaged in the naval or military service of the enemy, not being sea-faring persons; all women and girls, and all boys under twelve years of age: every person of the foregoing description, or of whatever description exempt from capture by the usage and practice of the most civilized nations, when at war—if taken, shall be immediately released without exchange, and shall take their departure at their own charge, agreeably to passports to be granted them—or otherwise shall be put on board the next cartel which sails—persons found on board recaptured ships, whatever situation they may have held in the capturing ship—shall not be considered as non-combatants. Non-combatants are not to be imprisoned except for improper conduct, and if poor or unprovided with means to support themselves, the government of each nation will allow them a reasonable subsistence, having respect to their rank and situation in life.——

Third.—American prisoners taken and brought within any of the dominions of his Britannic majesty, shall be stationed for exchange at Halifax in Nova Scotia, Quebec, Bridge-town in Barbadoes, Kingston in Jamaica, Falmouth and Liverpool in England, and at no other ports or places, and British prisoners taken and brought into the U. States, shall be stationed at Salem in Massachusetts—Schoneeteday in the state of New-York—Providence in Rhode-Island—Wilmington in Delaware—Annapolis in Maryland—Savannah in Georgia—New-Orleans in Louisiana, and at no other ports or places in the United States.—The government of Great Britain will receive and protect an agent to be appointed by the government of the United States, to reside at or near each of the before mentioned places in the British dominions, for the purpose of inspecting the management and care which is taken of the American prisoners of war at each station: and the government of the United States will in like manner receive and protect an agent to be appointed by the British government, to reside at or near each of the stations before mentioned, within the dominions of the United States, for the like purpose of inspecting the management and care taken of the British prisoners of war at each of the stations: and each government shall be at liberty to appoint an agent to reside at or near any depot established for prisoners by the other nation, for the purpose of taking care and inspecting the treatment and situation of such prisoners; and such agents shall be protected respectively in the same manner as the agents at the stations for exchange.

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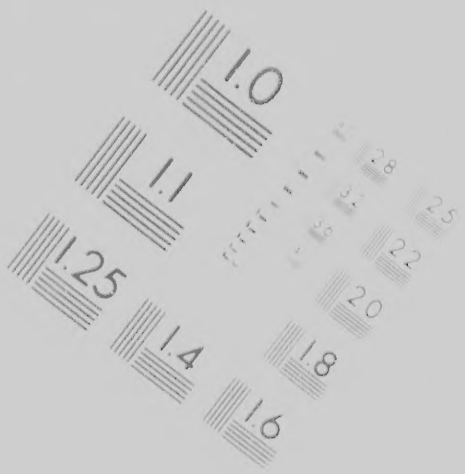
reasonable time, not exceeding ten days. They are to be furnished by the government in whose possession they may be, with a subsistence of sound and wholesome provisions, consisting of one pound of beef, or 12 ounces of pork; one pound of wheaten bread, and a quarter of a pint of pease, or six ounces of rice, or a pound of potatoes, per day, to each man; and salt and vinegar in the proportion of two quarts of salt, and four quarts of vinegar, to every hundred rations subsistence. Or the ration shall consist of such other meats and vegetables (not exceeding in the proportion of meat to the vegetables, and the quantity of bread, salt and vinegar always remaining the same) as may from time to time be agreed on, at the several stations, by the respective agents of the two governments, as of equal nutriment with the ration first described—Both governments shall be at liberty, by means of their respective agents, to supply their prisoners with clothing, and such other small allowances, as may be deemed reasonable, and to inspect at all times the quality and quantity of subsistence provided for the prisoners of their nations respectively, as stipulated in this article.

Eighth—Every facility shall be given as far as circumstances will permit, to the exchange of prisoners: and they shall be selected for exchange according to the scale hereby established on both sides, by the respective agents of the country to which they may belong, without any interference whatever of the government in whose possession they may be: and if any prisoner is left back, when his exchange shall be applied for, good and sufficient cause shall be assigned for such detention.

Ninth.—To carry on a regular exchange of prisoners between the two countries, four vessels shall be employed, two of which shall be provided by the British government, and two by the government of the U. States: and the two vessels of each government shall be as near as possible of the burthen of five hundred tons together, and neither of them less than two hundred tons: and shall be manned, victualled, and provided with every necessary and convenience for the safe transportation of prisoners: the expence of the two British vessels is to be defrayed by the British government and of the two American vessels, by the government of the U. States. When these vessels are provided, surveyed and approved of, by the proper officers of both governments, they shall be furnished with passports from each government, as flags of truce, and shall carry arms and ammunition sufficient, with a guard not exceeding a non commissioned officer and six men, to guard the prisoners, and keep them in subjection: and shall each carry one signal gun with a few charges of powder, and shall carry a white flag constantly at the fore top mast head—the British cartel ships shall carry a British ensign at the gaff end, or ensign staff, and the American ensign at the main top mast head—and the American cartel ships shall carry the American ensign at the gaff end or ensign staff, and the British ensign at the main top mast head. No cartel shall be suffered to proceed to sea with less than thirty days full allowance of water and provisions for the ships company, and the number of prisoners embarked on board: and when such cartels shall be established, they shall be kept at all times constantly well provided with sails, rigging, and every thing proper and necessary to make them staunch, safe, and sea-worthy: and shall be constantly employed in carrying prisoners to and from the different stations herein before named, and appointed for the exchange of prisoners: and when carrying American prisoners from a British port to an American port, the American agent at the port of embarkation shall direct the station at which such prisoners shall be delivered, and when carrying British prisoners from an American port, the British agent shall direct at which of the British stations such prisoners shall be delivered: and the agents for prisoners of war on both sides, shall by agreement settle and fix the several species of provisions which shall constitute the daily ration to be served out to prisoners while on board cartels, with the value thereof: and a regular account shall be kept of the number of days each prisoner shall have been victualled on board each cartel, and the British government shall pay at that rate the expence and cost of victualling the British prisoners delivered at a British station: and so the American government shall, in like manner, pay at the same rate the daily charge for victualling the American prisoners, delivered at an American station: but no charge is to be introduced for the transportation or carriage of prisoners, as each nation is to furnish for that service an equal number of tons of shipping.—No cartel shall be permitted to remain in port more than ten days after her arrival unless delayed by winds or weather, or the order of the commanding officer of the station at which she may be, whether British or American. And in future, cartels shall on no account, unless driven by stress of weather, or some other unavoidable necessity, put into any British or American port—save the ports herein before appointed for the exchange of prisoners, unless specially agreed upon by the principal agents of the two governments. And in case the number of vessels now agreed on to be provided as cartels, shall be found insufficient, the number may be encreased, and so in like manner diminished, by agreement, as the occasion may require; each nation always furnishing an equal share of the tonnage necessary.

Tenth.—Until regular cartels shall be provided, as stipulated in the foregoing article, the transportation of prisoners is to be conducted and paid for by each nation, according to the rule heretofore observed in the present war; and after regular cartels are established, in case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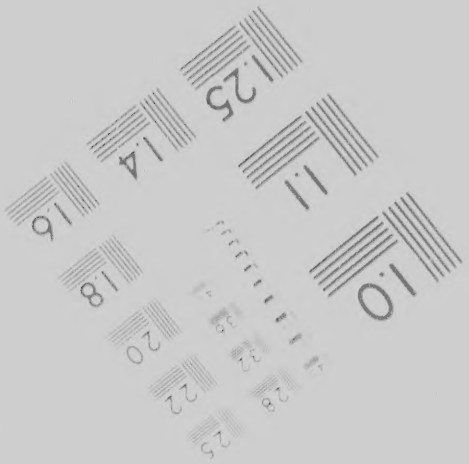

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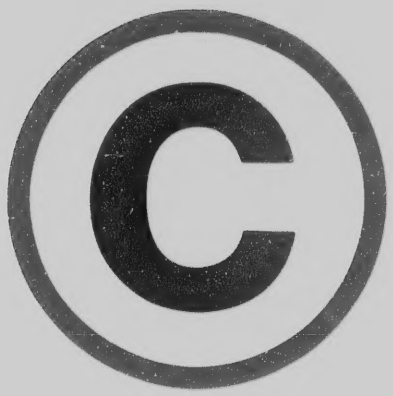

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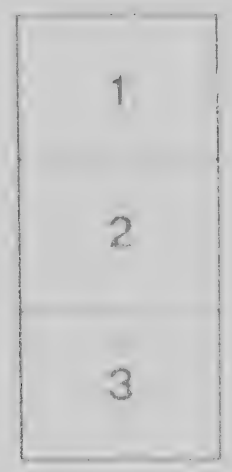

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Fourth.—Whenever a prisoner is admitted to parole, the form of such parole shall be as follows:

Whereas the Agent appointed for the Care and Custody of Prisoners of War at
has been pleased to grant leave to the Undersigned
Prisoner of War, as described on the back hereof, to return to
upon the condition that he give his Parole of Honor, that he will not enter into any Naval, Military, or other Service whatever, against the
or any of the Dominions thereunto belonging; or against
any powers at peace with
until he shall have been regularly exchanged, and that he will surrender himself if required by the Agent of the Government, at such place, and at such time, as may be appointed, in case my Exchange shall not be effected; and I will, until exchanged, give notice from time to time of my place of residence. Now in consideration of my enlargement, I do hereby declare, that I have given my Parole of Honor accordingly, and that I will keep it inviolably.—Given under my hand at
this
day of
in the Year of our Lord

Names.	Quality.	Ship or Corps.	Time of Rise, Promotion, or Marriage, to be noted below.

And the agent who shall take such parole shall grant a certificate to each prisoner so paroled, certifying the limits to which his parole extends, the hours and other rules to be observed, and granting permission to such person to remain unmolested within such limits; and every commissioned officer in the navy or army, when so paroled, if in health, shall be paid by the agent that has granted such parole to him, during the continuance thereof, the sum of three shillings sterling per day each, for subsistence; and all other prisoners so paroled shall be paid each person at the rate of one shilling and six pence per day sterling, at the rate of four shillings and six pence sterling per American milled dollar; which pay, in case of actual sickness, shall be doubled to each so long as the surgeon shall certify the continuance of such sickness; and each sick prisoner shall also be allowed the attendance of a nurse, in case the surgeon shall certify the person to be so ill as to require such help; all which subsistence and pay is to be paid in advance twice in every week; and prisoners who shall wilfully disobey the rules and regulations established for prisoners on parole, may be sent to prison, and all rules and regulations to be observed by prisoners on parole, are to be published and made known to each prisoner; and when any prisoner shall be allowed to depart at his own expence, if he has not a sufficiency of money for that purpose, he shall be allowed necessary money, not to exceed the parole subsistence to which he would have been entitled for one month, if he had remained.

Fifth.—And in case any prisoner be permitted to return to his own country on parole, on condition of not serving until duly exchanged, such prisoner shall sign an engagement in the following form:

Whereas,
Agent for the Care and Custody of
Prisoners of War at
has granted me the Undersigned
Prisoner, described on the back hereof, permission to return to
upon condition that I give my Parole of Honor, that I will not enter into any Naval, Military, or other Service whatever, against the
or any of the Dominions thereunto belonging; or against
any powers at peace with
until I shall have been regularly exchanged, and that I will surrender myself if required by the Agent of the Government, at such place, and at such time, as may be appointed, in case my Exchange shall not be effected; and I will, until exchanged, give notice from time to time of my place of residence. Now in consideration of my enlargement, I do hereby declare, that I have given my Parole of Honor accordingly, and that I will keep it inviolably.—Given under my hand at
this
day of
in the Year of our Lord

And to the prisoner so granted his enlargement on parole, shall be given a certificate and passport, specifying the terms and conditions of his enlargement, and a description of his person, and notice of such parole agreement shall be sent to the agent for prisoners of war, at the nearest station to the place where such parole shall be granted.

Sixth.—In case any prisoner of war shall become unmindful of the honourable obligation he lies under to the nation which shall have granted him his parole, and shall violate the same, he shall be liable to be dealt with according to the usages and customs observed in such cases by the most civilized nations when at war, and either nation shall have a right to demand from the other the surrender and restoration of any prisoner of war who shall violate his parole, and every just and reasonable satisfaction shall be given to the nation demanding the same, to shew that if such prisoner be not returned, it is by reason of its not being in the power of the nation to which he originally belonged.

Seventh.—No prisoner shall be struck with the hand, whip, stick or any other weapon whatever. The complaints of the prisoners shall be attended to, and real grievances redressed; and if they behave disorderly, they may be closely confined, and kept on two thirds allowance for a

Having seen and considered the foregoing Cartel for the Exchange of Prisoners, in
the said Cartel is accepted, ratified and confirmed on the part

IN FAITH WHEREOF, I have caused t
Done at Washington, this 14th da
thirty seventh.

JAM

a number of prisoners, not less than one hundred, may be collected at any British or American port, different from the ports before named, a temporary cartel may be fitted out by order of the commanding officer at such port or ports, for the purpose of carrying such prisoners, if British, to one of the British stations before named; and if American, to one of the American stations before named, and to no other port or place: *Provided always*, that such cartel shall bring at least one hundred prisoners, and shall receive an equal number in exchange, with liberty to return with them to any port of the nation to which she belongs. And the prisoners so delivered in exchange on board such temporary cartels, shall be certified to one of the regular returns of exchanges; for they shall be credited to the nation so delivering them in exchange, whether they arrive at the port of destination or not. But should there not be an equal number at such station to exchange for the number brought, the transportation in such temporary cartel shall be paid for so many prisoners as shall not be exchanged.

Eleventh.—Commanders of all public ships of war of either of the two nations, shall be permitted to send flags of truce into any of the established stations for exchange of prisoners of the other nation, with prisoners, to be delivered to the agent for prisoners of war of the nation to which such port belongs; and the agent receiving them shall give a receipt for them, specifying their names, quality, when and in what ship taken; and the prisoners so delivered, shall be placed to the credit of the nation sending them.—

Twelfth.—Commanders of ships of war, captains of privateers and letters of marque, of either of the two nations, shall be permitted to send prisoners, belonging to the other nation, in neutral vessels to any of the stations for exchange aforementioned, of the nation to which the prisoners belong; and they shall be delivered to the agent, and receipted for in the same manner as is directed and expressed in the eleventh article; and the prisoners when delivered, shall be placed to the credit of the nation sending them in the neutral vessels. The expences incurred under this and the eleventh article, are to be paid by the nation sending the prisoners; and the prisoners, so embarked in neutral vessels, shall be permitted to proceed to the port of destination without molestation or other interruption by the subjects or citizens of either of the nations.

Thirteenth.—Lists shall be exchanged by the agents on both sides, of the prisoners hitherto delivered, and after such lists are adjusted and signed agreeably to the rule of exchange hereby established—the persons named therein shall be considered as liberated and free to serve again, as well as those heretofore exchanged, notwithstanding any parole or engagement they may have previously entered into. And in future, prisoners embarked in a cartel belonging to the nation sending such prisoners, shall not be credited to the nation so sending them, until they are delivered at one of the stations of the nation to which such prisoners belong, and a receipt is obtained from the proper agent of such delivery. But where the prisoners and cartel both belong to the same nation, the delivery shall take place and receipts be given at the port of embarkation: *provided* that the delivery shall not be considered compleat, until the cartel is in the act of departing the port, and the nation delivering the prisoners shall retain the custody of them by maintaining a sufficient guard on board the cartel until she is actually under way: when the receipt shall be duly executed and delivered, and when special exchanges are negotiated in discharge of special parolés, a certificate of such exchange must be forwarded to the station where the parole was granted.

Fourteenth.—If either nation shall at any time have delivered more prisoners than it has received, it is optional with such nation to stop sending any more prisoners on credit, until a return shall be made equal in number to the balance so in advance.

Fifteenth.—This cartel is to be submitted for ratification to the secretary of state, for and in behalf of the government of the United States, and to the right honorable the Lords commissioners of the admiralty, for and in behalf of the government of Great Britain, and if approved by the Secretary of State of the United States—shall be provisionally executed until the pleasure of the Lords commissioners of the admiralty of Great Britain be known—and it is further agreed that after the mutual ratification of this cartel, either of the parties, on six months notice to the other, may declare and render the same void and no longer binding.

IN WITNESS WHEREOF, We the Undersigned, have hereunto set our Hands and Seals at Washington, this Twelfth Day of May, in the Year of our Lord One Thousand Eight Hundred and Thirteen.

Seal. J. MASON.

Seal. THO. BARCLAY.

Prisoners, in all and every one of its Articles, and approved the same. I do hereby declare that ned on the part of the United States.

have caused the Seal of the Department of State for the said United States, to be hereunto affix d. , this 14th day of May, in the year of our Lord 1813, and of the Independence of these States the

JAMES MONROE, Secry of State.